

From: [Harkins, Steven M. \(Assoc-ATL-LT\)](#)
To: "Adam Slater"
Cc: [Daniel Nigh](#); [Valsartan PEC](#); DECValsartan@btlaw.com; [Lockard, Victoria D. \(Shld-Atl-LT\)](#)
Subject: RE: Defense Expert Depositions
Date: Friday, September 3, 2021 1:38:00 PM
Attachments: [image001.png](#)

Adam,

The phrasing in my original email was confusing. We just intended to note that Plaintiffs defended certain expert depositions which were conducted partially over Zoom in person, and defense counsel have regularly appeared in person to defend numerous corporate witness depositions where the deposing attorney chose to appear only by Zoom, as specifically permitted by CMO 20: "A witness's counsel and interpreter may choose to be present in-person with the witness during the deposition, even in the case of remote depositions." We agree this issue should be raised with the Court and placed on the agenda for next week's teleconference with Judge Vanaskie.

Best,

Steven M. Harkins
Associate

Greenberg Traurig, LLP
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From: Adam Slater <ASlater@mazieslater.com>
Sent: Thursday, September 2, 2021 8:51 AM
To: Harkins, Steven M. (Assoc-ATL-LT) <harkinss@gtlaw.com>
Cc: Daniel Nigh <dnigh@levinlaw.com>; Valsartan PEC <valpec@kirtlandpackard.com>;
DECValsartan@btlaw.com; Lockard, Victoria D. (Shld-Atl-LT) <lockardv@gtlaw.com>
Subject: Re: Defense Expert Depositions

Steve - which plaintiff expert do you contend we had counsel present with in person during a zoom deposition?

Thanks,

Adam Slater

On Sep 1, 2021, at 10:24 PM, harkinss@gtlaw.com wrote:

Adam,

We note that Plaintiffs did have counsel present live for at least one of your experts' depositions conducted over Zoom, but even where you did not, it was Plaintiffs' choice to produce those witnesses by Zoom and to have counsel present with them or not. Plaintiffs cannot elect to proceed by Zoom in an effort to deprive Defendants of their choice of whether to defend in person. We are giving notice that we intend to have defense counsel present for each of our expert witnesses' depositions regardless of how conducted. Counsel attending in person will appear on the video record but may be in the same room as the witness. This is the same procedure that was utilized when defending numerous corporate witness depositions. You may decide to send someone in person to take these or to proceed with Zoom attendance, now that we've given you sufficient advance notice of how we plan to attend the depositions.

Best,

Steven M. Harkins
Associate

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From: Adam Slater <ASlater@mazieslater.com>

Sent: Tuesday, August 31, 2021 9:16 AM

To: Harkins, Steven M. (Assoc-ATL-LT) <harkinss@gtlaw.com>

Cc: Daniel Nigh

<dnigh@levinlaw.com>; valpec@kirtlandpackard.com; DECValsartan@btlaw.com;

Lockard, Victoria D. (Shld-Atl-LT) <lockardv@gtlaw.com>

Subject: Re: Defense Expert Depositions

Hi Steve:

Dr. Catenacci and Dr. Britt will be remote, via zoom. We assume that the protocols we implemented for the depositions of the Plaintiff experts will be applied to the defense experts, including for example that the witness will be alone and not in communication with anyone else during the questioning via zoom. Please confirm.

Our team will confirm whether in person or via zoom for the rest shortly.

Thank you,

Adam Slater

On Aug 30, 2021, at 4:18 PM, harkinss@gtlaw.com wrote:

Counsel,

Following up on the below email, we can confirm the following deposition locations for Defendants' experts. We will confirm the outstanding locations shortly. Please advise as soon as possible whether Plaintiffs intend to take some or all of these depositions in person so that we can coordinate logistics at the respective sites.

1. Catenacci – September 13th at Greenberg Traurig, Chicago office, 77 West Wacker Drive, Suite 3100, Chicago, IL 60601
2. Wei – September 14th at Greenberg Traurig, Boston office, One International Place, Suite 2000, Boston, MA 02110
3. Bottorff – September 16 at Baker Donelson, Knoxville, TN office, 265 Brookview Centre Way, Suite 600, Knoxville, TN 37919
4. Britt – September 23rd – location TBD
5. Flack – September 28th – location near Southern Illinois University, specific location TBD
6. Chodosh – September 29th at Greenberg Traurig, Philadelphia office, 1717 Arch Street, Suite 400, Philadelphia, PA 19103
7. Gibb – September 29th at Greenberg Traurig, Washington, DC office, 2101 L Street, N.W., Suite 1000, Washington, DC 20037
8. Fryzek – September 30th – location TBD
9. Johnson – October 4th at Greenberg Traurig, London office, The Shard, Level 8, 32 London Bridge Street, London SE1 9SG, United Kingdom

Best,

Steven M. Harkins
Associate

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From: Lockard, Victoria D. (Shld-Atl-LT) <lockardv@gtlaw.com>

Sent: Monday, August 16, 2021 11:13 PM

To: Daniel Nigh <dnigh@levinlaw.com>

Cc: 'valpec@kirtlandpackard.com'

<valpec@kirtlandpackard.com>; DECValsartan@btlaw.com

Subject: RE: Defense Expert Depositions

Thanks Daniel. In terms of logistics, Dr. Johnson is in the UK as you know, so that one will be on UK time. Do you intend to take any of these in person? We will need to work on arrangements for location if so.

Victoria Davis Lockard

Shareholder

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From: Daniel Nigh <dnigh@levinlaw.com>

Sent: Monday, August 16, 2021 2:25 PM

To: DECValsartan@btlaw.com

Cc: 'valpec@kirtlandpackard.com' <valpec@kirtlandpackard.com>

Subject: [EXTERNAL]RE: Defense Expert Depositions

EXTERNAL TO GT

We can also confirm the following deposition dates for the following experts:

8) Bottoroff – September 16

9) Fryzek – September 30

Best regards,

Daniel

From: Daniel Nigh

Sent: Wednesday, August 11, 2021 10:34 AM

To: DECValsartan@btlaw.com

Cc: 'valpec@kirtlandpackard.com' <valpec@kirtlandpackard.com>

Subject: Defense Expert Depositions

We can confirm the deposition dates for the following experts:

1. Britt – We confirm September 23 for Britt’s deposition
2. Catenacci – We confirm September 13 for Catenacci’s deposition
3. Chodosh – We confirm September 29 for Chodosh’s deposition
4. Flack – We confirm September 28 for Flack’s deposition
5. Gibb – We confirm September 29 for Gibb’s deposition
6. Johnson – We confirm October 4 for Johnson’s deposition
7. Wei – We confirm September 14 for Wei’s deposition

For the depositions of Bottoroff and Fryzek, we ask that you hold the previously proposed dates and we are working to see if we can confirm those dates. Thanks.

Please let me know if you have any questions or concerns.

Best regards,

Daniel

Daniel Nigh

Shareholder

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